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**FILED**  
 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

2008 FEB -7 AM 9:57

'08 MJ0351

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

Angel Eduardo TORRES-Nevarez )

Defendant. )

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
Magistrate Case No. \_\_\_\_\_BY [Signature] DEPUTY  
COMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section 1324(a)(2)(B)(ii)-  
Bringing in Illegal Alien(s) for  
Financial Gain  
Title 18, U.S.C., Section 2-  
Aiding and Abetting

The undersigned complainant being duly sworn states:

On or about **February 5, 2008**, within the Southern District of California, Defendant **Angel Eduardo TORRES-Nevarez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Gabriel GUTIERREZ-Jimenez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[Signature]  
 SIGNATURE OF COMPLAINANT  
 Sara Esparagoza, United States Customs  
 and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7<sup>TH</sup> DAY OF  
**FEBRUARY, 2008.**

[Signature]  
 UNITED STATES MAGISTRATE JUDGE

Cem

**PROBABLE CAUSE STATEMENT**

The complainant states that **Gabriel GUTIERREZ-Jimenez** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material, that it is impracticable to secure his attendance at trial by subpoena; and he is a material witness in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On February 5, 2008 at about 1551 hours, **Angel Eduardo TORRES-Nevarez (Defendant)** applied for admission into the United States from Mexico through the San Ysidro Port of Entry as the driver of a 1997 Chevy Astro Van. Defendant presented a U.S. Department of State Border Crossing Card (Form DSP-150) bearing the name Luis Montes Castellanos as proof of admissibility to a Customs and Border Protection (CBP) Officer. Accompanying Defendant was Maria SANCHEZ-Ramirez, who presented a U.S. Department of State Border Crossing Card (Form DSP-150) bearing the name Reynalda Carrillo Vizcarra and Gabriel GUTIERREZ-Jimenez, who presented a U.S. Department of State Border Crossing Card (Form DSP-150) bearing the name Adolfo Francisco Rodrigo Lopez. The CBP Officer obtained a negative Customs declaration from Defendant. The CBP Officer queried the documents presented and was alerted to a lost/stolen document for the name Reynalda Carrillo Vizcarra. The CBP Officer suspected Maria SANCHEZ-Ramirez was an imposter to the document presented and escorted the vehicle and all occupants to secondary for further processing.

In secondary, it was determined that Defendant and both passengers were imposters to the documents presented. Defendant and both passengers in the vehicle admitted being citizens of Mexico with no entitlements to enter or reside in the United States. **Gabriel GUTIERREZ-Jimenez** is now identified as a Material Witness (MW) in the case.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted a man known to him as "Cesar" provided him with the Border Crossing Card he presented and the vehicle used in the smuggling act. Defendant stated he was going to Los Angeles, California to seek employment. Defendant stated he was originally going to be charged \$3,800.00 (USD) to be smuggled into the United States. Defendant admitted he was to receive a discount of \$2,100.00 (USD) and only pay a reduced fee of \$1,700.00 (USD) if he agreed to drive the vehicle across the border. Defendant admitted he was to take the vehicle and the two undocumented aliens to the 7-11 convenience store on 32<sup>nd</sup> Street in San Diego and get a ride to Los Angeles from someone else. Defendant admitted knowing both passengers in the vehicle were undocumented aliens. Defendant admitted knowing that presenting documents not lawfully issued to him is against the law. Defendant admitted knowing that smuggling undocumented aliens into the United States is against the law.

During a videotaped interview, MW admitted he is a citizen of Mexico with no legal documents to enter or reside in the United States. MW stated he made the smuggling arrangements with a man known as "Marcos." MW stated he was to pay \$1,000.00 (USD) to be smuggled into the United States. MW stated Marcos provided him with the document he presented to the CBP Officer. MW stated he was going to Los Angeles, California to seek employment.